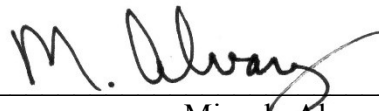


only seeks to acquire possession and establish just compensation as to solely Tract E, the middle tract.⁶ The United States asks that this case be closed after the Court establishes just compensation and possession as to only Tract E.⁷

This the Court cannot do. Because the United States filed its declaration of taking⁸ and deposited estimated just compensation,⁹ it took some title to all three Tracts it sought to acquire.¹⁰ If Plaintiff United States acquired any “title, a lesser interest, or possession as to any part of it, the court must award compensation for the title, lesser interest, or possession taken.”¹¹ Even if a taking is temporary, “the Just Compensation Clause of the Fifth Amendment requires that the government pay the landowner for the value of the use of the land during this period.”¹² Because the United States seeks to establish just compensation as to only one Tract and to thereafter close the case, without discussing the relationship or just compensation as to the other two Tracts, the Court cannot grant the motion. The United States’ motion is therefore **DENIED WITHOUT PREJUDICE**.¹³ The Court **ORDERS** Plaintiff United States to, no later than **July 23, 2021**, either (1) file an appropriate motion seeking to attain final judgment and resolve this case in accordance with this order, or (2) file dismissal documentation.

IT IS SO ORDERED.

DONE at McAllen, Texas, this 16th day of July 2021.



Micaela Alvarez
United States District Judge

⁶ Dkt. No. 19 at 8, ¶ 21.

⁷ *Id.* at 10, ¶ 21.*l.*

⁸ Dkt. No. 2.

⁹ Dkt. No. 6.

¹⁰ *See United States v. 162.20 Acres of Land, more or less, in Clay Cnty.*, 639 F.2d 299, 303 (5th Cir. 1981).

¹¹ FED. R. CIV. P. 71.1(i)(1)(C).

¹² *First English Evangelical Lutheran Church of Glendale v. Los Angeles Cnty.*, 482 U.S. 304, 319 (1987).

¹³ Dkt. No. 19.